

Attorney for Debtor
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Andrew J. Burgess, Jr. & Bessie T. Burgess
Debtors

Case No. : 11-30042
Chapter 13
Trustee: Robert E. Hyman

3408 Garland Avenue
Richmond, VA 23222
Debtor SSN Last 4: 2618
Joint SSN Last 4: 3862

**MOTION TO WAIVE DEBTOR FROM SIGNING
CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. §1328**

Comes now the Debtors, Andrew J. Burgess, Jr. and Bessie T. Burgess, by counsel, Pia J. North, Esq., pursuant to Federal Bankruptcy Rules 1007 and Local Rule 207, and hereby moves this Court to exempt Bessie T. Burgess from signing the Certification of Compliance with 11 U.S.C. §1328. In support of this motion the debtors state as follows:

1. On January 5, 2011 the Debtors filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code. The Debtors both attended the Meeting of Creditors pursuant to 11 U.S.C. §341 on February 24, 2011.
2. The Debtor, Bessie T. Burgess passed away on October 29, 2012 (see Exhibit A).

3. Debtor Andrew J. Burgess, Jr. signed the Certification of Compliance with 11 U.S.C. § 1328 on February 27, 2014 and the Certification was filed herein on February 27, 2014.
4. Debtor Andrew J. Burgess, Jr. completed the Financial Management Course on February 13, 2011 and the Certificate of Debtor Education was filed in this matter on February 23, 2012.
5. Bessie T. Burgess, co-debtor completed her Debtor Education on February 13, 2011 and the Certificate of Debtor Education was filed herein on February 23, 2012.
6. At the time of her death Bessie T. Burgess had not signed the Certification of Compliance with 11 U.S.C. § 1328.
7. The inability of Bessie T. Burgess to Sign the Certification of Compliance with 11 U.S.C. §1328 is in the nature of an incapacity or disability as referenced in 11 U.S.C. §109(h)(4).
8. The attorney for Bessie T. Burgess used Pacer to verify that the debtor has not received a discharge in another Chapter 7, 11, or 12 bankruptcy within 4 years prior to the filing of this Chapter 13 bankruptcy. The debtor had not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 case.
9. The debtor did not have nor does he at the present time have equity in excess of \$125,000 when his case was filed in 2010. The debtor did not have any pending proceedings for which he can be found guilty of a felony of the kind

described in 11 U.S.C. §522(q)(1)(A); and he did not have any domestic support obligations due.

10. The late Bessie T. Burgess had an inconsequential estate. All assets of the bankruptcy estate for both Andrew J. Burgess, Jr. and Bessie T. Burgess, were listed in the Schedules filed in this matter.

WHEREFORE, the Debtors, Andrew J. Burgess, Jr. and Bessie T. Burgess by counsel request that: Debtor Bessie T. Burgess be exempt from the requirement pursuant to 11 U.S.C. §727(a)(11) that the debtor sign the Certification of Compliance with 11 U.S.C. §1328; and that Bessie T. Burgess be granted a discharge pursuant to 11 U.S.C. §727.

Respectfully submitted:
Andrew J. Burgess, Jr.
Bessie T. Burgess

By: /s/ Pia J. North
Counsel

Attorney for Debtor
Pia J. North, Esq. #29672
North & Associates, P.C.
5913 Harbour Park Drive
Midlothian, VA 23112

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NOTICE OF MOTION

Pia J. North, Attorney for the Debtors having filed papers with the court: Motion to Waive Debtor's signature on the Certification of Compliance with 11 U.S.C. § 1328.

Your rights may be affected. You should read these papers carefully and discuss **them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the motion, then on or before March 27, 2014 you or your attorney must: File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219

Office of the U.S. Trustee
701 E. Broad Street, Room 4304
Richmond, Virginia 23219

You must also mail a copy to:

Pia J. North, Esquire
5913 Harbour Park Dr
Midlothian, VA 23112

Robert E. Hyman
P.O. Box 1780
Richmond, VA 23218-1780

☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

☒ Attend the hearing on the motion (or objection) scheduled to be held on **April 2, 2014 at 12:00 PM** at United States Bankruptcy Court, 701 E. Broad Street, Suite 5100, Richmond, VA 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief

March 12, 2014

/s/Pia J. North
Pia J. North
5913 Harbour Park Drive
Midlothian, VA 23112
(804) 739-3700

Certificate of Service

I hereby certify that I have 3/13/2014 I served by ECF or mailed a true copy of this Motion to Waive Debtor's signature on the Certification of Compliance with 11 U.S.C. § 1328 and Notice of Motion to: the Debtor, the Debtor's Trustee, the United States Trustee and the parties listed on the attached mailing matrix.

/s/ Pia J. North
Pia J. North

North & Associates, PC
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AFNI
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APX Alarm
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Audit System Inc.
3696 Ulmerton Road; Suite 200
Clearwater, FL 33762

Bank Of America
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Norfolk, VA 23501

Barclaysbk
Po Box 8803
Wilmington, DE 19899

Brice, Vander Linden & Wernick
P.O. Box 829009
Dallas, TX 75382-9009

Cap One
Po Box 85520
Richmond, VA 23285

Chase
Po Box 15298
Wilmington, DE 19850

Chase- Bp
P.O. Box 15298
Wilmington, DE 19850

Citi
Po Box 6497
Sioux Falls, SD 57117

City of Richmond Real Estate
Tax Asses. Attn Donna Padgett
900 E. Broad St; Rm 100
Richmond, VA 23219

College Foundation Inc
2917 Highwoods Blvd
Raleigh, NC 27604

Commonwealth of VA-Tax
P.O. Box 2156
Richmond, VA 23218-2156

Gemb/Jcp
Po Box 984100
El Paso, TX 79998

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El Paso, TX 79998-1400

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Hfc - Usa
Po Box 3425
Buffalo, NY 14240

Hsbc Bank
Po Box 5253
Carol Stream, IL 60197

Hsbc Bank
Po Box 52530
Carol Stream, IL 60196

Internal Revenue Service
Insolvency Unit
Post Office Box 21126
Philadelphia, PA 19114

Marinerfin
7445 Lee Davis Highway
Baltimore, MD 21236

Pinnacle Credit Servic
7900 Highway 7 # 100
Saint Louis Park, MN 55426

Radio/Cbsd
Po Box 6497
Sioux Falls, SD 57117

Unknown
Fact Act
Suppression,

Verizon
Po Box 26055
Minneapolis, MN 55426

Verizon - Bankrutpcy Dept
P.O. Box 3397
Wilmington, IL 61702

Wfnnb/Brylane Home
Po Box 182121
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